

Exhibit 4

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES - CENTRAL
3

4 HILARIO CRUZ, an individual
5 Plaintiff,

6 Case Number
7 -vs- BC493949 (Lead Case)
8

9 SOLOMON METHENGE, an individual,
10 and DOES 1 TO 100, inclusive,
11 Defendants.

12 _____ /
13 CONSOLIDATED FOR ALL PURPOSES
14 WITH:

15 _____ /
16 ARACELI MENDEZ v. NISSAN NORTH
17 AMERICA, CONTINENTAL AUTOMOTIVE
18 SYSTEMS et al;

19 _____ /
20
21
22 DEPOSITION OF ANDREW SMITH
23 FRIDAY, SEPTEMBER 16, 2016
24

25 PAGE 1 TO 150

1 Q. And when did you graduate?

2 A. 1992.

3 Q. What was your first job at Nissan Technical
4 Center North America?

5 A. Brake design.

6 Q. If I say NTCNA to save a few syllables, will
7 be both understand what we're talking about?

8 A. That is what we are known as.

9 Q. Okay. What did you do in brake design at
10 NTCNA when you first started?

11 A. I was primarily responsible for X61A, which
12 is -- was QX56 Armada and Titan, along with some other
13 programs.

14 Q. Okay. Which model years were you
15 responsible for?

16 A. Starting from 2004, and I was working on it
17 through 2008.

18 Q. And which components of the brake system
19 were you involved in the design of?

20 A. Foundation brakes mainly, which included the
21 corner modules, which was the calipers, rotors,
22 knuckles, hubs and bearings, brake tubes, actuation,
23 master cylinder, and then the master back block.

24 Q. You said foundation brakes mainly. What are
25 foundation brakes?

1 A. Yes.

2 Q. -- correct? What does the initial design
3 work mean?

4 MR. BERRY: Vague. With respect to
5 brakes?

6 MR. TAPLEY: Yes.

7 THE WITNESS: Okay. With respect to
8 brakes?

9 BY MR. TAPLEY:

10 Q. With respect to the foundation brakes.

11 Let's get even more specific.

12 A. Okay. NTC would have done the system sizing
13 of the components, come up with the strategy of the
14 system for the components, what safety features we were
15 going to have, they would do the initial validation
16 work on those components.

17 Q. Mr. Smith, are you aware that the 2004
18 through 2008 X61As from VDC have a feature known as
19 optimized hydraulic brakes?

20 A. Yes.

21 Q. Which entity would have made the decision to
22 include optimized hydraulic brakes in the X61A?

23 A. That decision was made within NTC, I
24 believe.

25 Q. Did you review any documents to prepare for

1 a loss of hydraulic pressure in the event of a loss of
2 vacuum to the brake booster.

3 Q. Would it also include the decision of
4 whether or not to turn OHB on in the event of C1179
5 error code?

6 A. Yes. It would include all the necessary
7 decisions involved.

8 Q. Who made the decisions on the OHB strategy
9 for the X61A?

10 A. NTC.

11 Q. Do you know whether NTC did the initial
12 validation work on OHB performance?

13 A. NTC would have validated the software
14 performance, the strategy and software performance of
15 the OHB system.

16 Q. What does that mean, they would have
17 validated the strategy and performance of the software
18 in the OHB system?

19 A. During the development phase, you need to
20 validate the software is robust, and that work would
21 have been done at NTC.

22 Q. Okay. What does robust mean?

23 A. I would say robust means that it is suitable
24 for use in the field, that it's -- it's --

25 Q. Is robust an engineering term or a term used